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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,124	09/26/2000	Wai-Chung Chan	PD-200126	5665

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Patent Docket Administration  
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EXAMINER

DUONG, THOMAS

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/670,124

Applicant(s)

CHAN ET AL.

Examiner

Thomas Duong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☒ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

*Claims 1-38* are rejected under 35 U.S.C. 102(e) as being anticipated by DeMoney (US006438630B1).

2. With regard to *claims 1, 11, 21 and 29*, DeMoney reference discloses,
  - *retrieving a search order table having a plurality of table entries corresponding to M queues that selectively store the packets, the table entries storing values that correspond to relative positions of the M queues and that are selected based upon a transmission constraint of the communication system; and* (column 4, lines 33-44).
  - *scheduling transmission of the packets stored in the M queues based upon the search order table* (column 6, lines 25-32).

3. With regard to *claims 2, 12 and 30*, DeMoney reference discloses,
  - *wherein the transmission constraint in the retrieving step specifies that the packets are to be transmitted to a plurality of destination nodes that are non-interfering, the communication system being a satellite communication system* (columns 1, lines 11-20; column 10, lines 9-13).
4. With regard to *claims 3, 13, 22 and 31*, DeMoney reference discloses,
  - *transmitting the packets via N number of transmitters, wherein N is less than or equal to M* (column 9, lines 54-58; columns 7-8, lines 56-9).
5. With regard to *claims 4, 14 and 32*, DeMoney reference discloses,
  - (a) *checking whether a particular one of the M queues has a packet stored therein and satisfies the transmission constraint; (sheet 7, figure 9; columns 14-15, lines 53-7).*
  - (b) *selectively including the particular queue in a transmission list based upon the checking step; and (sheet 7, figure 9; columns 14-15, lines 53-7).*
  - (c) *iteratively performing steps (a) and (b) until at least one of each of the M queues is checked and N number of the queues are included in the transmission list (sheet 7, figure 9; columns 15, lines 7-11).*
6. With regard to *claims 5, 6, 15, 16, 23, 24, 33 and 34*, DeMoney reference discloses,
  - *wherein the search order table in the retrieving step has K consecutive table entries associated with K queues that satisfy the transmission constraint (sheet 7, figure 9; columns 14, lines 53-62).*

7. With regard to *claims 7, 17, 25 and 35*, DeMoney reference discloses,
  - *wherein the search order table in the retrieving step has L consecutive table entries associated with L queues that satisfy another transmission constraint (sheet 7, figure 9; columns 14, lines 53-64).*
8. With regard to *claims 8, 18, 26 and 36*, DeMoney reference discloses,
  - *wherein the transmission constraint in the retrieving step specifies that the packets are to be transmitted to a plurality of destination nodes that are non-interfering, and the other transmission constraint specifies that only one of the destination nodes selectively requires high-powered transmission (column 14, lines 56-64).*
9. With regard to *claims 9, 19, 27 and 37*, DeMoney reference discloses,
  - *inputting repetitive table entry values in the search order table based upon relative traffic load associated with a plurality of destination nodes (column 12, lines 28-50).*
10. With regard to *claims 10, 20, 28 and 38*, DeMoney reference discloses,
  - *generating a plurality of search order tables based upon a plurality of power constraints associated with the communication system; (column 4, lines 33-44).*
  - *storing the plurality of search order tables: and (column 4, lines 33-44).*
  - *selecting a particular one of the plurality of search order tables (column 4, lines 33-44).*

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- DeMoney (US006496899B1)
- Tiedemann, Jr. et al. (US006335922B1)
- McCoy et al. (US006526575B1).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

Application/Control Number: 09/670,124  
Art Unit: 2143

Thomas Duong

Examiner

Art Unit 2143

October 23, 2003



BUNJOB JAROENCHONWANT  
PRIMARY EXAMINER